

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

DRAFT  
10.5.21

BILL 9

LLS NO. 22-0147.01 Michael Dohr x4347

INTERIM COMMITTEE BILL

**Legislative Oversight Committee Concerning the Treatment of Persons  
with Mental Health Disorders in the Criminal and Juvenile Justice  
Systems**

**BILL TOPIC: "Jail Standards Commission"**

**A BILL FOR AN ACT**

101 **CONCERNING CREATION OF A JAIL STANDARDS COMMISSION TO**  
102 **STANDARDIZE THE OPERATION OF COLORADO JAILS.**

**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)*

**Legislative Oversight Committee Concerning the Treatment of Persons with Mental Health Disorders in the Criminal and Juvenile Justice Systems.** The bill creates the Colorado jail standards commission. The commission creates standards for the operation of Colorado's county jails, provides ongoing oversight of the county jails, and updates the standards as necessary. The commission consists of the

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

following 11 members:

- 3 sheriffs;
- One county commissioner;
- One person with lived experience of being incarcerated in a Colorado county jail;
- One mental health professional with experience working in a jail;
- One health professional with experience working in a jail;
- One person representing an organization advocating for the rights of the incarcerated;
- One person representing an organization advocating for jail employees and staff;
- One public defender; and
- One district attorney appointed by the Colorado district attorneys' council.

The commission shall develop standards for all aspects of county jail operations that include written policies and procedures for:

- Reception and release;
- Classification of inmates;
- Security;
- Housing;
- Sanitation and environmental conditions;
- Communication;
- Visitation;
- Health care, mental and behavioral health care, and dental care;
- Food service;
- Recreation and programming;
- Inmate disciplinary processes;
- Administrative segregation;
- Inmate grievances;
- Staffing; and
- Inmates' rights.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article  
3    26 of title 17 as follows:

## 4 PART 4

5 COLORADO JAIL STANDARDS COMMISSION

6 **17-26-401. Colorado jail standards commission - creation -**

1     **membership.** (1) THE COLORADO JAIL STANDARDS COMMISSION IS  
2     CREATED AND REFERRED TO IN THIS PART 4 AS THE "COMMISSION". THE  
3     COMMISSION SHALL CREATE STANDARDS FOR THE SAFE AND EFFECTIVE  
4     OPERATION OF COLORADO'S COUNTY JAILS, PROVIDE ONGOING OVERSIGHT  
5     OF THE COUNTY JAILS, AND UPDATE THE STANDARDS AS NECESSARY.

6             (2) THE COMMISSION IS COMPOSED OF THE FOLLOWING ELEVEN  
7     MEMBERS:

8             (a) THREE SHERIFFS OR SENIOR JAIL ADMINISTRATORS APPOINTED  
9     BY THE STATEWIDE ORGANIZATION REPRESENTING COUNTY SHERIFFS:

10            (I) ONE FROM AN URBAN COUNTY;

11            (II) ONE FROM A RURAL COUNTY; AND

12            (III) ONE FROM A FRONTIER COUNTY;

13            (b) ONE COUNTY COMMISSIONER APPOINTED BY THE STATEWIDE  
14     ORGANIZATION REPRESENTING COUNTY SHERIFFS;

15            (c) ONE PERSON WITH LIVED EXPERIENCE OF BEING INCARCERATED  
16     IN A COLORADO COUNTY JAIL APPOINTED BY A STATEWIDE ORGANIZATION  
17     REPRESENTING ADVOCATING FOR MENTAL HEALTH IN COLORADO;

18            (d) ONE MENTAL HEALTH PROFESSIONAL WITH EXPERIENCE  
19     WORKING IN A JAIL APPOINTED BY A STATEWIDE ORGANIZATION  
20     REPRESENTING ADVOCATING FOR MENTAL HEALTH IN COLORADO;

21            (e) ONE HEALTH PROFESSIONAL WITH EXPERIENCE WORKING IN A  
22     JAIL APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
23     HUMAN SERVICES;

24            (f) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING  
25     FOR THE RIGHTS OF THE INCARCERATED APPOINTED BY A STATEWIDE  
26     ORGANIZATION REPRESENTING ADVOCATING FOR MENTAL HEALTH IN  
27     COLORADO;

1 (g) ONE PERSON REPRESENTING AN ORGANIZATION ADVOCATING  
2 FOR JAIL EMPLOYEES AND STAFF APPOINTED BY A STATEWIDE  
3 ORGANIZATION REPRESENTING COUNTY SHERIFFS;

4 (h) ONE PUBLIC DEFENDER APPOINTED BY THE STATE PUBLIC  
5 DEFENDER; AND

6 (i) ONE DISTRICT ATTORNEY APPOINTED BY THE COLORADO  
7 DISTRICT ATTORNEYS' COUNCIL.

8 (3) (a) THE TERM FOR THE INITIAL COMMISSION MEMBERS  
9 APPOINTED PURSUANT TO SUBSECTIONS (2)(a), (2)(c), AND (2)(d) OF THIS  
10 SECTION IS FOUR YEARS AND THOSE COMMISSION MEMBERS MAY BE  
11 REAPPOINTED FOR ONE TWO-YEAR TERM, AND THE TERM FOR THE OTHER  
12 INITIAL COMMISSION MEMBERS IS TWO YEARS AND THOSE COMMISSION  
13 MEMBERS MAY BE REAPPOINTED TO TWO TWO-YEAR TERMS. THE TERM  
14 FOR ANY COMMISSION MEMBER APPOINTED AFTER THE INITIAL  
15 COMMISSION MEMBER IS TWO YEARS, AND THAT COMMISSION MEMBER  
16 MAY BE APPOINTED TO NO MORE THAN THREE TWO-YEAR TERMS.

17 (b) THE INITIAL COMMISSION MEMBERS MUST BE APPOINTED BY  
18 JULY 1, 2022.

19 (4) THE FIRST MEETING OF THE COMMISSION MUST BE HELD BY  
20 JULY 31, 2022. DURING THE FIRST YEAR OF EXISTENCE, THE COMMISSION  
21 SHALL MEET AT LEAST MONTHLY AND IN SUBSEQUENT YEARS, THE  
22 COMMISSION SHALL MEET AT LEAST QUARTERLY. THE CHAIR OF THE  
23 COMMISSION SHALL SET THE MEETING DATES AND TIMES.

24 **17-26-402. Commission - duties.** (1) THE COMMISSION SHALL  
25 DEVELOP STANDARDS FOR ALL ASPECTS OF COUNTY JAIL OPERATIONS  
26 THAT INCLUDE WRITTEN POLICIES AND PROCEDURES FOR:

27 (a) RECEPTION AND RELEASE, INCLUDING:

- 1 (I) IDENTIFYING THE ARRESTING, TRANSPORTING, OR COMMITTING  
2 OFFICER;
- 3 (II) RECORDING INMATE INFORMATION IN A BOOKING AND  
4 IDENTIFICATION RECORD FOR EVERY COMMITMENT;
- 5 (III) IDENTIFYING INMATES DURING RECEPTION BY PHOTOGRAPH,  
6 IDENTIFICATION BRACELET, OR OTHER MEANS;
- 7 (IV) PROVIDING ACCESS TO TELEPHONES AFTER THE RECEPTION  
8 PROCESS;
- 9 (V) SEARCHING, CONFISCATING, INVENTORYING, AND SECURING  
10 OF UNAUTHORIZED ITEMS;
- 11 (VI) CONFISCATION, COUNTING, AND SECURING OF MONEY OR ANY  
12 FORM OF CURRENCY;
- 13 (VII) SECURING THE INMATE'S SIGNATURE AND REQUIREMENTS  
14 FOR WITNESS SIGNATURES ON A COMPLETED INVENTORY OF ITEMS AND  
15 MONEY CONFISCATED;
- 16 (VIII) STRIP SEARCHES AND BODY CAVITY SEARCHES CONSISTENT  
17 WITH COLORADO LAW;
- 18 (IX) DETERMINING WHEN AN INMATE SHOULD RECEIVE A SHOWER;
- 19 (X) PROVIDING INMATES WITH CLEAN UNIFORM CLOTHING OR  
20 STANDARDS FOR WEARING PERSONAL CLOTHING;
- 21 (XI) THE AMOUNT OF TIME INMATES ARE CONFINED IN THE  
22 RECEPTION AREA;
- 23 (XII) THE POSSESSION OF MONEY BY INMATES, INCLUDING  
24 PROVISIONS TO PREVENT INMATE GAMBLING, THEFT, AND EXTORTION;
- 25 (XIII) PROVIDING INMATES WITH A LIST OF GENERALLY  
26 APPLICABLE INMATE RULES;
- 27 (XIV) ASSISTING INMATES IN UNDERSTANDING THESE RULES IF

- 1       THERE ARE LITERACY OR LANGUAGE OBSTACLES;
- 2               (XV) OBTAINING SIGNED ACKNOWLEDGMENT FROM INMATES OF
- 3       RECEIPT AND UNDERSTANDING OF RULES;
- 4               (XVI) KEEPING MALE AND FEMALE INMATES SEPARATED DURING
- 5       RECEPTION;
- 6               (XVII) VERIFYING INMATES' IDENTIFICATION AND RELEASE
- 7       DOCUMENTATION;
- 8               (XVIII) DOCUMENTING AN INMATE'S RELEASE TO ANOTHER
- 9       AGENCY;
- 10              (XIX) OBTAINING A RECEIPT FOR ALL PROPERTY RETURNED AT THE
- 11       TIME OF RELEASE OR TRANSFER FROM THE INMATE, OR THE RECEIVING
- 12       OFFICER, AS APPROPRIATE; AND
- 13              (XX) CIRCUMSTANCES WHEN JUVENILES MAY BE HELD;
- 14              (b) CLASSIFICATION OF INMATES, INCLUDING:
- 15              (I) A WRITTEN INMATE CLASSIFICATION SYSTEM THAT SPECIFIES
- 16       THE CRITERIA AND PROCEDURES FOR DETERMINING AND CHANGING THE
- 17       CLASSIFICATION OF INMATES TO DETERMINE THE LEVEL OF CUSTODY
- 18       REQUIRED, SPECIAL NEEDS, HOUSING ASSIGNMENT, AND PARTICIPATION IN
- 19       PROGRAMMING;
- 20              (II) HOUSING MALE AND FEMALE INMATES SEPARATELY BY SIGHT
- 21       AND TOUCH, AND OUT OF RANGE OF NORMAL CONVERSATION WITH EACH
- 22       OTHER;
- 23              (III) SUPERVISING MALE AND FEMALE INMATES WHEN PLACED
- 24       TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER SIMILAR
- 25       ACTIVITIES;
- 26              (IV) HOUSING VIOLENT AND NONVIOLENT INMATES SEPARATELY;
- 27              (V) SUPERVISING VIOLENT AND NONVIOLENT INMATES WHEN

1 PLACED TOGETHER FOR PROGRAMMING, TRANSPORTATION, OR OTHER  
2 SIMILAR ACTIVITIES;

3 (VI) HOUSING JUVENILE AND ADULT INMATES SEPARATELY;

4 (VII) EVALUATING AND SELECTING INMATES FOR WORK WHILE  
5 INCARCERATED;

6 (VIII) HOUSING INMATES PARTICIPATING IN WORK OR  
7 EDUCATIONAL RELEASE PROGRAMS SEPARATELY FROM THE GENERAL  
8 POPULATION; AND

9 (IX) ESTABLISHING THE ACCEPTABLE PERSONAL AND HYGIENE  
10 ITEMS PROVIDED TO INMATES IN THE GENERAL POPULATION;

11 (c) SECURITY, INCLUDING:

12 (I) ESTABLISHING A SECURITY PERIMETER;

13 (II) ESTABLISHING A SECURE BOOKING AND RELEASE AREA;

14 (III) IF INSTALLED, ENSURING CLOSED-CIRCUIT TELEVISIONS ARE  
15 OPERATIONAL AND PRECLUDE THE MONITORING OF SHOWER, TOILET, AND  
16 CLOTHING EXCHANGE AREAS;

17 (IV) TWO-WAY COMMUNICATIONS BETWEEN CENTRAL CONTROL,  
18 STAFFED POSTS, AND INMATE OCCUPIED AREAS;

19 (V) HAVING EQUIPMENT NECESSARY TO MAINTAIN UTILITIES,  
20 COMMUNICATIONS, SECURITY, AND FIRE PROTECTION IN AN EMERGENCY  
21 AND SCHEDULES TO TEST, REPAIR, AND REPLACE EQUIPMENT IN A TIMELY  
22 MANNER;

23 (VI) PROCEDURES GOVERNING AVAILABILITY, CONTROL  
24 INVENTORY, STORAGE, AND USE OF FIREARMS, LESS-THAN-LETHAL  
25 DEVICES, AND RELATED SECURITY DEVICES AND SPECIFYING THE LEVEL OF  
26 AUTHORITY REQUIRED FOR THEIR ACCESS AND USE;

27 (VII) USE OF AND AUTHORIZATION FOR CHEMICAL AGENTS AND

- 1 ELECTRICAL DISABLERS;
- 2 (VIII) RESTRICTIONS FOR ACCESS TO STORAGE AREAS;
- 3 (IX) SEPARATION OF STORAGE SPACE APART FROM INMATE
- 4 HOUSING OR ACTIVITY AREAS;
- 5 (X) INMATE SEARCHES WHEN ENTERING OR LEAVING THE JAIL'S
- 6 SECURITY PERIMETER TO CONTROL CONTRABAND;
- 7 (XI) PROCEDURES AND PRACTICES GOVERNING STRIP AND BODY
- 8 CAVITY SEARCHES;
- 9 (XII) EMERGENCY PLANS, INCLUDING TRAINING FOR JAIL
- 10 PERSONNEL IN THE IMPLEMENTATION OF EMERGENCY PLANS, AND
- 11 PROCEDURES TO BE FOLLOWED IN SITUATIONS THAT THREATEN JAIL
- 12 SECURITY;
- 13 (XIII) LOGGING ROUTINE INFORMATION, EMERGENCY SITUATIONS,
- 14 AND UNUSUAL INCIDENTS;
- 15 (XIV) COUNTING TO VERIFY EACH INMATE'S PHYSICAL PRESENCE
- 16 AND IDENTIFICATION, INCLUDING THE NUMBER OF OFFICIAL DAILY COUNTS,
- 17 RECONCILIATION OF JAIL COUNTS, AND RECORDING OF JAIL COUNTS;
- 18 (XV) PERSONAL OBSERVATION CHECKS OF INMATES, INCLUDING
- 19 REGULAR AND VARIABLE TIMING OF SUCH CHECKS AND DOCUMENTATION
- 20 OF SUCH CHECKS;
- 21 (XVI) POLICIES FOR ADDRESSING THE MANAGEMENT OF INMATES
- 22 WITH SPECIAL NEEDS;
- 23 (XVII) USE OF PHYSICAL RESTRAINTS, INCLUDING AUTHORIZING
- 24 USE OF PHYSICAL RESTRAINTS AND MONITORING AND RECORDING THE
- 25 CHECKS OF INMATES IN RESTRAINTS;
- 26 (XVIII) DEFINING JUSTIFIABLE SELF-DEFENSE, PREVENTING
- 27 SELF-INFLICTED HARM, PROTECTION OF OTHERS, RIOT PREVENTION,



1 DISCHARGE OF A FIREARM OR OTHER WEAPON, ESCAPE OR OTHER CRIME,  
2 AND CONTROLLING OR SUBDUING AN INMATE WHO REFUSES TO OBEY A  
3 STAFF COMMAND OR ORDER;

4 (XIX) DEFINING THE LIMITS OF THE AMOUNT OF FORCE NECESSARY  
5 TO CONTROL A GIVEN SITUATION AND SPECIFYING THAT IN NO  
6 CIRCUMSTANCE IS PHYSICAL FORCE TO BE USED AS PUNISHMENT;

7 (XX) SPECIFYING THAT AN EXAMINATION OR TREATMENT BY  
8 QUALIFIED HEALTH-CARE PERSONNEL IS PROVIDED TO INMATES OR STAFF  
9 INVOLVED IN A USE OF FORCE INCIDENT WHEN THERE IS OBVIOUS PHYSICAL  
10 INJURY OR THERE IS A COMPLAINT OF INJURY OR REQUEST FOR MEDICAL  
11 ATTENTION;

12 (XXI) SPECIFYING WHEN AND HOW AN INCIDENT WILL BE  
13 RECORDED AND REVIEWED BY THE JAIL ADMINISTRATOR OR DESIGNEE;

14 (XXII) SEARCHES OF JAILS AND INMATES TO CONTROL  
15 CONTRABAND;

16 (XXIII) TIMING FOR INSPECTING INMATE ACCESSIBLE AREAS;

17 (XXIV) TIMING FOR A SECURITY INSPECTION OF THE JAIL;

18 (XXV) NOTIFYING THE JAIL ADMINISTRATOR OR DESIGNEE OF ANY  
19 DISCOVERED CONTRABAND OR PHYSICAL SECURITY DEFICIENCIES;

20 (XXVI) DOCUMENTING THE DISPOSITION OF CONTRABAND AND  
21 THE REMEDIATION OF PHYSICAL SECURITY DEFICIENCIES;

22 (XXVII) CONTROLLING INMATE MOVEMENT FROM ONE AREA TO  
23 ANOTHER;

24 (XXVIII) STAFF SUPERVISION AND SEARCHES OF AN INMATE  
25 PERFORMING WORK;

26 (XXIX) ENSURING AN INMATE IS NOT GIVEN CONTROL OF OR  
27 AUTHORITY OVER ANY OTHER INMATE, SECURITY FUNCTION, OR SERVICE

1     ACTIVITY;  
2           (XXX)     REQUIRING   SAME-GENDER   AND   CROSS-GENDER  
3     SUPERVISION GUIDELINES;  
4           (XXXI)    CONTROLLING AND INVENTORYING KEYS, TOOLS, AND  
5     CULINARY EQUIPMENT; AND  
6           (XXXII)   ENSURING TOXIC, CORROSIVE, AND FLAMMABLE  
7     SUBSTANCES AND TOOLS ARE SECURED, USED ONLY BY AUTHORIZED  
8     PERSONS, USED BY INMATES ONLY UNDER DIRECT SUPERVISION, AND USED  
9     ONLY IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTION;  
10          (d) HOUSING, INCLUDING:  
11           (I) SUFFICIENT SPACE STANDARDS REGARDING SQUARE FOOTAGE  
12     AND MAXIMUM OCCUPANCY FIGURES FOR ALL HOUSING AND HOLDING  
13     AREAS, INCLUDING HOLDING AREAS, HOLDING CELLS, HOUSING CELLS,  
14     DORMITORIES, DAY ROOMS, AND EATING AREAS;  
15           (II) SUFFICIENT SEATING FOR ALL HOLDING AREAS, HOLDING  
16     CELLS, HOUSING CELLS, DORMITORIES, DAY ROOMS, AND EATING AREAS  
17     FOR EACH INMATE;  
18           (III) AIR CIRCULATION FOR HOUSING CELLS;  
19           (IV) TEMPERATURE STANDARDS AND MECHANICAL CONTROLS FOR  
20     ACCEPTABLE COMFORT LEVELS;  
21           (V)    ACCESS TO SANITATION FACILITIES WITHOUT STAFF  
22     ASSISTANCE;  
23           (VI)   A MINIMUM NUMBER OF TOILET FACILITIES, SHOWER  
24     FACILITIES, AND WASH BASINS FOR A SPECIFIED NUMBER OF OCCUPANTS;  
25           (VII) WATER TEMPERATURE STANDARDS AND CONTROLS;  
26           (VIII) MAXIMUM NOISE LEVELS MEASURED IN DECIBELS AND  
27     STANDARDS FOR MEASUREMENTS TO ENSURE COMPLIANCE;

1 (IX) NATURAL LIGHT PROVIDED IN HOUSING UNITS, DORMS, CELLS,  
2 AND DAY SPACES; AND

3 (X) STANDARDS FOR SUSPENDING AND REINSTATING INMATE  
4 ACCESS TO CLOTHING, BED, BEDDING, TOILET, LAVATORY, AND SHOWER BY  
5 THE JAIL ADMINISTRATOR OR DESIGNEE;

6 (e) SANITATION AND ENVIRONMENTAL CONDITIONS, INCLUDING:

7 (I) PROVIDING INMATES WITH HYGIENE ARTICLES AT INTAKE AND  
8 REPLACEMENT ITEMS TO INDIGENT INMATES;

9 (II) SAFETY AND SANITARY STANDARDS FOR ALL AREAS OF THE  
10 JAIL, INCLUDING FOOD SERVICE AND LAUNDRY AREAS;

11 (III) DEFINING STAFF AND INMATE HOUSEKEEPING  
12 RESPONSIBILITIES, INCLUDING DAILY CLEANING OF TOILETS, URINALS,  
13 SINKS, DRINKING FACILITIES, AND SHOWERS IN AREAS OCCUPIED BY  
14 INMATES AND DISPOSAL OF GARBAGE;

15 (IV) TIMING AND PROCESSES FOR INSPECTING FOR SANITATION  
16 AND VERMIN;

17 (V) MAINTENANCE AND REPAIRS;

18 (VI) INSPECTIONS BY LOCAL OR STATE HEALTH AUTHORITIES;

19 (VII) NIGHTTIME LIGHTING OF GROUNDS, WALKWAYS,  
20 DRIVEWAYS, AND PARKING AREAS;

21 (VIII) INTERIOR LIGHTING STANDARDS;

22 (IX) BEDDING AND MATTRESS STANDARDS, INCLUDING THAT THE  
23 BEDDING AND MATTRESS BE IN GOOD REPAIR AND CLEANED PRIOR TO  
24 BEING REISSUED;

25 (X) TIMING AND DOCUMENTATION FOR THE EXCHANGE AND  
26 LAUNDERING OF BED LINENS, BLANKETS, TOWELS, CLOTHING, AND  
27 UNDERGARMENTS;

- 1 (XI) TIMING TO CLEAN MATTRESSES;
- 2 (XII) A REQUIREMENT THAT WHEN SOILED, BEDDING,  
3 MATTRESSES, TOWELS, AND CLOTHING BE EXCHANGED OR CLEANED;
- 4 (XIII) INMATE HAIRCUTS;
- 5 (XIV) SHAVING EQUIPMENT AND SUPPLIES AND DOCUMENTING  
6 ISSUANCE AND RETRIEVAL OF SHAVING EQUIPMENT; AND
- 7 (XV) TIMING OF INSPECTION BY A CERTIFIED LOCAL OR STATE FIRE  
8 SAFETY INSPECTOR APPLYING THE APPLICABLE JURISDICTIONAL AND STATE  
9 FIRE CODE, REQUIREMENTS FOR A WRITTEN FIRE SAFETY PLAN APPROVED  
10 BY LOCAL FIRE OFFICIALS THAT IS REVIEWED ANNUALLY AND UPDATED AS  
11 NEEDED, REQUIREMENTS FOR TRAINING IN JAIL FIRE SAFETY EQUIPMENT,  
12 REQUIREMENTS FOR FIRE DRILLS, REQUIREMENTS FOR JAIL FURNISHINGS TO  
13 MEET FIRE SAFETY PERFORMANCE STANDARDS, AND REQUIREMENTS FOR  
14 JAIL EXITS TO BE CLEAR AND THAT EVACUATION ROUTES BE POSTED OR  
15 CLEARLY MARKED THROUGHOUT THE JAIL;
- 16 (f) COMMUNICATION, INCLUDING:
- 17 (I) DELIVERING INCOMING OR OUTGOING MAIL OR  
18 CORRESPONDENCE VIA THE POSTAL SERVICE;
- 19 (II) OPENING AND INSPECTING INCOMING INMATE MAIL,  
20 CORRESPONDENCE, AND PACKAGES TO INTERCEPT NONPERMITTED ITEMS;
- 21 (III) OPENING AND INSPECTING OUTGOING MAIL;
- 22 (IV) DOCUMENTING PROCEDURES FOR THE APPROPRIATE  
23 DISPOSITION OF INTERCEPTED ITEMS;
- 24 (V) PERMITTING LEGAL MAIL OR CORRESPONDENCE TO BE OPENED  
25 AND INSPECTED IN THE PRESENCE OF THE INMATE TO INTERCEPT  
26 CONTRABAND;
- 27 (VI) CIRCUMSTANCES IN WHICH MAIL, CORRESPONDENCE, AND

1 PACKAGES ARE WITHHELD OR REJECTED, INCLUDING NOTIFICATION TO THE  
2 INMATE;

3 (VII) WRITING MATERIALS, ENVELOPES, AND POSTAGE FOR  
4 INDIGENT INMATES;

5 (VIII) INMATE E-MAIL SERVICE;

6 (IX) INMATE TELEPHONE SERVICE; AND

7 (X) ACCESS TO LEGAL COUNSEL OF RECORD;

8 (g) VISITATION, INCLUDING:

9 (I) A SECURE VISITING AREA, INCLUDING STANDARDS FOR  
10 PHYSICALLY SEPARATING THE INMATE AND VISITOR AND CAPABILITIES FOR  
11 TWO-WAY CONVERSATIONS AND NONOBSURED VISITS, OR VIDEO VISITS;

12 (II) SEATING IN THE VISITATION AREA;

13 (III) IDENTIFICATION REQUIREMENTS FOR VISITORS;

14 (IV) REGISTRY REQUIREMENTS FOR VISITORS;

15 (V) GENERAL VISITATION HOURS;

16 (VI) VIDEO VISITATIONS HOURS;

17 (VII) VISITOR SECURITY PROTOCOLS TO PREVENT CONTRABAND  
18 FROM ENTERING THE JAIL;

19 (VIII) VISIT RESTRICTIONS BASED ON THREATS TO SAFETY OR  
20 SECURITY;

21 (IX) MONITORING AND RECORDING VISITS; AND

22 (X) PROFESSIONAL VISITS BY ATTORNEYS OF RECORD OR CLERGY;

23 (h) HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND  
24 DENTAL CARE, INCLUDING:

25 (I) ALL LEVELS OF HEALTH CARE, MENTAL AND BEHAVIORAL  
26 HEALTH CARE, AND DENTAL CARE THAT ASSURE QUALITY, ACCESSIBILITY,  
27 AND TIMELY SERVICES FOR INMATES;

1 (II) ARRANGING CARE FROM AN APPROPRIATE OUTSIDE PROVIDER  
2 WHEN CARE IS NOT AVAILABLE AT THE JAIL;

3 (III) REQUIRING THAT MEDICAL DECISIONS AND ACTIONS ARE  
4 MADE ONLY BY QUALIFIED HEALTH-CARE AND MENTAL HEALTH-CARE  
5 PROFESSIONALS;

6 (IV) REQUIRING THAT AN INMATE IS NOT DENIED NECESSARY  
7 CARE;

8 (V) REQUIRING THAT ALL EXAMINATIONS, TREATMENTS, AND  
9 PROCEDURES ARE GOVERNED BY INFORMED CONSENT PRACTICES  
10 APPLICABLE IN THE JAIL'S JURISDICTION;

11 (VI) REQUIRING THAT THE JAIL ASSESS THE HEALTH OF EACH  
12 INMATE AT INTAKE AND ON AN ONGOING BASIS;

13 (VII) PROVIDING EMERGENCY CARE, SICK CHECKS, AND PHYSICAL  
14 HEALTH CARE, MENTAL AND BEHAVIORAL HEALTH CARE, AND DENTAL  
15 CARE THAT ENSURES NEEDS ARE:

16 (A) ADDRESSED IN A TIMELY MANNER;

17 (B) RECORDED AND MAINTAINED ON FILE; AND

18 (C) REVIEWED BY QUALIFIED HEALTH-CARE PERSONNEL WITH  
19 TREATMENT OR FOLLOW-UP PROVIDED;

20 (VIII) DISPENSING AND ADMINISTERING PRESCRIBED  
21 MEDICATIONS, INCLUDING:

22 (A) REQUIRING THAT HEALTH-TRAINED PERSONNEL OR  
23 PROFESSIONALLY TRAINED PERSONNEL DISPENSE AND ADMINISTER  
24 MEDICATIONS;

25 (B) REQUIRING ADEQUATE MANAGEMENT OF CONTROLLED  
26 MEDICATIONS;

27 (C) PROVIDING MEDICATION TO INMATES IN SPECIAL

- 1 MANAGEMENT UNITS;
- 2 (D) REQUIRING THE APPLICABLE INFORMED CONSENT PRACTICES
- 3 IN THE JAIL'S JURISDICTION BE FOLLOWED; AND
- 4 (E) DEVELOPING A STANDARDIZED FORMULARY AND A PROCESS
- 5 FOR ACCESSING MEDICATIONS NOT LISTED WHEN MEDICALLY NECESSARY;
- 6 (IX) REDUCING SUICIDE BY IDENTIFYING AT-RISK INMATES AND
- 7 TRAINING STAFF MEMBERS ON HOW TO RECOGNIZE VERBAL AND
- 8 BEHAVIORAL CUES THAT INDICATE POTENTIAL SUICIDE AND HOW TO
- 9 RESPOND APPROPRIATELY;
- 10 (X) PROVIDING INFECTIOUS DISEASE CONTROL;
- 11 (XI) PROVIDING CARE FOR PREGNANT INMATES; AND
- 12 (XII) ASSESSING AND REPORTING INMATE DEATHS;
- 13 (i) FOOD SERVICE, INCLUDING:
- 14 (I) NUTRITIONAL STANDARDS;
- 15 (II) TIMING AND FREQUENCY OF MEALS;
- 16 (III) SPECIAL DIETS; AND
- 17 (IV) SAFE STORAGE AND PREPARATION OF FOOD;
- 18 (j) RECREATION AND PROGRAMMING, INCLUDING:
- 19 (I) REGULAR ACCESS TO EXERCISE AND EQUIPMENT FOR INMATES;
- 20 (II) TELEVISION VIEWING AND TABLE GAMES;
- 21 (III) READING MATERIALS;
- 22 (IV) TREATMENT FOR ALCOHOL AND DRUG ABUSE;
- 23 (V) ACADEMIC TRAINING;
- 24 (VI) PSYCHOLOGICAL AND SOCIAL SERVICES AND OTHER
- 25 COMMUNITY SERVICES; AND
- 26 (VII) RELIGIOUS PRACTICE;
- 27 (k) INMATE DISCIPLINARY PROCESSES, INCLUDING:

- 1 (I) STANDARDS FOR ADMINISTRATIVE SEGREGATION;
- 2 (II) PROHIBITED ACTS OR CONDUCT, DEGREES OF VIOLATIONS,  
3 RANGES OF PENALTIES, AND DISCIPLINARY HEARING PROCEDURES;
- 4 (III) A SANCTION SCHEDULE FOR RULE VIOLATIONS;
- 5 (IV) ESTABLISHING FUNDAMENTAL RIGHTS FOR INMATES THAT  
6 CANNOT BE SUSPENDED EXCEPT IN AN EMERGENCY OR OTHER CONDITION  
7 BEYOND THE CONTROL OF THE JAIL ADMINISTRATOR;
- 8 (V) BANNING THE USE OF CORPORAL PUNISHMENT, DISCIPLINE  
9 ADMINISTERED BY INMATES, AND WITHHOLDING FOOD FROM INMATES;
- 10 (VI) CIRCUMSTANCES UNDER WHICH A DISCIPLINARY HEARING IS  
11 CONDUCTED;
- 12 (VII) PRE-DISCIPLINARY HEARING REQUIREMENTS;
- 13 (VIII) ESTABLISHING A MINIMUM PERIOD AFTER RECEIVING  
14 WRITTEN NOTIFICATION OF A RULE VIOLATION TO ALLOW AN INMATE TO  
15 PREPARE FOR THE DISCIPLINARY HEARING;
- 16 (IX) DISCIPLINARY HEARING REQUIREMENTS; AND
- 17 (X) THE OPPORTUNITY TO APPEAL DISCIPLINARY ACTIONS TO THE  
18 JAIL ADMINISTRATOR OR DESIGNEE;
- 19 (I) ADMINISTRATIVE SEGREGATION, INCLUDING:
- 20 (I) WRITTEN POLICIES AND PROCEDURES GOVERNING THE  
21 ADMINISTRATIVE SEGREGATION OF INMATES FROM THE GENERAL  
22 POPULATION;
- 23 (II) BANNING THE USE OF ADMINISTRATIVE SEGREGATION AS A  
24 PENALTY;
- 25 (III) CIRCUMSTANCES WHEN ADMINISTRATIVE SEGREGATION MAY  
26 BE USED TO SEPARATE AN INMATE FROM THE GENERAL POPULATION;
- 27 (IV) WRITTEN NOTIFICATIONS OF ADMINISTRATIVE SEGREGATION



1 TO THE INMATE; AND

2 (V) TIMING FOR REVIEW OF ADMINISTRATIVE SEGREGATION;

3 (m) INMATE GRIEVANCES, INCLUDING:

4 (I) ESTABLISHING A WRITTEN GRIEVANCE PROCEDURE FOR

5 INMATES WITH AT LEAST ONE LEVEL OF APPEAL; AND

6 (II) PROHIBITING RETALIATION BY STAFF BASED ON AN INMATE

7 GRIEVANCE;

8 (n) JAIL STAFFING, INCLUDING:

9 (I) QUALIFICATIONS FOR STAFF TO SUPERVISE AND CONTROL

10 INMATES;

11 (II) PRE-EMPLOYMENT BACKGROUND CHECKS;

12 (III) STANDARDIZED PERFORMANCE REVIEWS;

13 (IV) STAFFING PLANS;

14 (V) POSTS AND FUNCTIONS;

15 (VI) GENDER OF STAFF;

16 (VII) REVIEW OF STAFFING PLANS;

17 (VIII) REQUIRING REVIEW OF THE STAFFING PLANS AT LEAST ONCE

18 A YEAR BY THE JAIL ADMINISTRATOR AND REVISED AS NEEDED;

19 (IX) VOLUNTEER POLICIES;

20 (X) CODE OF ETHICS; AND

21 (XI) STAFF TRAINING STANDARDS FOR ALL LEVELS OF EMPLOYEES;

22 AND

23 (o) INMATE RIGHTS, INCLUDING:

24 (I) FREEDOM OF EXPRESSION;

25 (II) FREEDOM OF RELIGION;

26 (III) ACCESS TO THE COURTS;

27 (IV) ACCESS TO LEGAL REPRESENTATION;

1 (V) ACCESS TO LEGAL MATERIALS;

2 (VI) ACCESS TO THE MEDIA; AND

3 (VII) DISCIPLINARY ACTION AND USE OF FORCE.

4 (2) (a) THE COMMISSION SHALL ADOPT TIME LINES FOR  
5 IMPLEMENTATION OF THE STANDARDS AND PROVIDE DIFFERENT TIME LINES  
6 SPECIFIC TO COUNTY CATEGORIES. THE COMMISSION SHALL ADOPT THE  
7 INITIAL STANDARDS AND TIME LINES BY JULY 31, 2023.

8 (b) THE COMMISSION SHALL PROVIDE OVERSIGHT OF THE  
9 IMPLEMENTATION OF THE STANDARDS.

10 (c) THE COMMISSION SHALL EVALUATE THE EFFECTIVENESS OF THE  
11 STANDARDS AFTER IMPLEMENTATION AND MAKE ANY NEEDED CHANGES  
12 TO THE STANDARDS.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.